

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE ENROLLED ACT No. 313

AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-2.5-1-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.1. "Acupuncturist" means an individual to whom a license to practice acupuncture in Indiana has been issued under IC 25-2.5-2.**

SECTION 2. IC 25-2.5-2-3, AS ADDED BY P.L.265-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant submits satisfactory evidence to the board that the applicant has been licensed to practice acupuncture in another state or authorized in another country under qualifications substantially equivalent to those specified in this chapter for a license to practice acupuncture.

(b) An applicant may, upon the payment of a fee established by the board, be granted ~~an affiliated~~ a professional's license to practice acupuncture if the applicant submits satisfactory evidence to the board that the applicant is a:

- (1) chiropractor licensed under IC 25-10;
- (2) dentist licensed under IC 25-14; or
- (3) podiatrist licensed under IC 25-29;

with at least two hundred (200) hours of acupuncture training. ~~or equivalent physiological acupuncture training approved by the board.~~



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(c) The board shall:

- (1) compile, at least once every two (2) years, a list of courses and institutions that provide training approved for the purpose of qualifying an individual for ~~an affiliated~~ a professional's license under subsection (b); and
- (2) adopt rules that set forth procedures for the case by case approval of training under subsection (b).

**(d) If an individual's license described in subsection (b)(1), (b)(2), or (b)(3) is subject to any restrictions as the result of disciplinary action taken against the individual by the board that regulates the individual's profession, the same restrictions shall be applied to the individual's professional's license to practice acupuncture.**

**(e) An individual's professional's license issued under subsection (b) shall be suspended if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is suspended.**

**(f) An individual's professional's license issued under subsection (b) shall be revoked if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is revoked.**

**(g) The practice of acupuncture by an individual issued a professional's license under subsection (b) is limited to the scope of practice of the individual's license described in subsection (b)(1), (b)(2), or (b)(3).**

SECTION 3. IC 25-2.5-2-6, AS ADDED BY P.L.265-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The board may deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand, if an applicant or licensed acupuncturist does any of the following:

(1) Engages in false or fraudulent conduct that demonstrates an unfitness to practice acupuncture, including:

- (A) making a misrepresentation in connection with an application for a license or an investigation by the board;
- (B) attempting to collect fees for services that were not performed;
- (C) false advertising, including guaranteeing that a cure will result from an acupuncture treatment; or
- (D) dividing, or agreeing to divide, a fee for acupuncture services with another person for referring the patient.

(2) Fails to exercise proper control over the acupuncturist's practice by:

- (A) aiding an unlicensed person in practicing acupuncture;
- (B) delegating professional responsibilities to a person the

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- acupuncturist knows or should know is not qualified to perform; or
- (C) insufficiently supervising unlicensed personnel working with the acupuncturist in the practice.
- (3) Fails to maintain records in a proper manner by:
- (A) failing to keep written records describing the course of treatment for each patient;
- (B) refusing to provide upon request patient records that have been prepared for or paid for by the patient; or
- (C) revealing personally identifiable information about a patient, without the patient's consent, unless otherwise allowed by law.
- (4) Fails to exercise proper care of a patient, including:
- (A) abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or
- (B) exercising or attempting to exercise undue influence within the relationship between the acupuncturist and the patient by making sexual advances or requests for sexual activity or by making submission to sexual conduct a condition of treatment.
- (5) Displays ~~habitual~~ substance abuse or mental impairment to the degree that it interferes with the ability to provide safe and effective treatment.
- (6) Is convicted, pleads guilty, or pleads no contest to a crime that demonstrates an unfitness to practice acupuncture.
- (7) Fails, in a negligent manner, to practice acupuncture with the level of skill recognized within the profession as acceptable under the circumstances.
- (8) Violates willfully any provision of this article or rule of the board.
- (9) Has had a license denied, suspended, or revoked in another jurisdiction for a reason that would be grounds for denial, suspension, or revocation of a license under this article.

SECTION 4. IC 25-2.5-3-3, AS ADDED BY P.L.265-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) Subject to subsection (c), it is unlawful for a licensed acupuncturist, other than a chiropractor licensed under IC 25-10, podiatrist licensed under IC 25-29, or dentist licensed under IC 25-14, to practice acupuncture on a patient unless the acupuncturist obtains:

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at:

(1) **a** written letter of referral; **and**

(2) **either:**

(A) **a** written diagnosis of the patient; or

(B) written documentation relating to the condition for which the patient receives acupuncture;

**from an individual licensed under IC 25-22.5** within the twelve (12) months immediately preceding the date of acupuncture treatment.

(c) An acupuncturist licensed under this article may practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a written letter of referral or written diagnosis from a physician licensed under IC 25-22.5.

(d) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of the patient from a physician licensed under IC 25-22.5 as described in subsection (b), the physician is immune from civil liability relating to the patient's or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct.

SECTION 5. P.L.265-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2001]: SECTION 2. (a) As used in this SECTION, "committee" refers to the acupuncture advisory committee established in subsection (b).

(b) The acupuncture advisory committee is established.

(c) The members of the committee shall:

(1) be appointed by the governor; and

(2) include the following members:

(A) One (1) chiropractor licensed under IC 25-10.

(B) One (1) podiatrist licensed under IC 25-29.

(C) One (1) dentist licensed under IC 25-14.

(D) One (1) acupuncturist.

(E) One (1) member of the American Academy of Medical Acupuncturists who is licensed as a physician under IC 25-22.5.

(d) The governor shall appoint one (1) of the members under subsection (c)(2) as chair of the committee.

(e) The committee shall meet upon the call of the chair.

(f) The committee:

(1) is an advisory committee to the medical licensing board under IC 25-22.5-2; and

(2) shall make recommendations to the medical licensing board

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regarding the practice of acupuncture.

All recommendations made under this subsection must be in the form of potential rules under which acupuncturists may be licensed in Indiana.

(g) After receiving recommendations under subsection (f), the medical licensing board shall consider adopting the recommendations as rules under IC 4-22-2.

(h) This SECTION expires ~~June 30, 2004~~. **June 30, 2006.**

**SECTION 6. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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